UNITED STATES DISTRICT COOKT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

United States District Court Southern District of Texas FILED

AUG 1 6 2012

| Cheri LaBlanche |)(| Smile to prove |
|--|----|--|
| Plaintiff, |)(| Qualit J. Bradley, Clerk of Court |
| Vs. |)(| |
| National Board of Medical Examiners - (NBME) |)(| Civil Action No. 4:12-MC-485 |
| Federation of State Medical Boards - (FSMB) |)(| |
| Educational Commission for Foreign Medical |)(| |
| Graduates - (ECFMG) |)(| |
| Jointly and Severally, |)(| |
| Defendants, |)(| |

PLAINTIFF'S NOTICE OF APPEAL FOR USDC DENIAL OF IFP PLAINTIFF'S MOTION FOR FINDINGS OF FACT & CONCLUSION OF LAW PLAINTIFF'S IFP PETITION FOR APPEAL TO THE 5TH CIRCUIT COURT

I. PLAINTIFF'S NOTICE OF APPEAL FOR USDC DENIAL OF IFP

On 8/13/12 USDC Judge Kenneth M. Hoyt DENIED Plaintiff's IFP application; which included proof exhibits of Plaintiff's inability to pay via verification documents of UNEMPLOYMENT and UNEMPLOYMENT BENEFITS by the Texas Workforce Commission; these are attached to this instrument as *Exhibits A-D*.

II. PLAINTIFF'S MOTION FOR FINDINGS OF FACT & CONCLUSION OF LAW

Plaintiff respectfully demands FINDINGS OF FACT(S) & CONCLUSION(S) OF LAW regarding the subject IFP application DENIAL on 8/13/12; See Exhibit D.

III. PLAINTIFF'S IFP PETITION FOR APPEAL TO THE 5TH CIRCUIT COURT

By my hand and signature below, I declare under penalty of perjury that I Cheri LaBlanche cannot afford any costs associated with the filing or administration of this lawsuit and appeal; and in support again please see the attached Exhibits A-D.

VI. CERTIFICATE OF SERVICE & INTERESTED PARTIES

I certify a true and correct copy of this suit and summons was serviced to Defendants subscribed below:

National Board of Medical Examiners - (NBME)

3750 Market Street Philadelphia PA, 19104-3102 Phone: 215.590.9500

Federation of State Medical Boards - (FSMB)

1110 Vermont Ave, NW, Suite 1000 Washington, D.C. 20005

Phone: (202) 530-4608

Educational Commission for Foreign Medical Graduates - (ECFMG)

3624 Market Street

Philadelphia, PA 19104-2685

Phone: (215) 386-5900

Respectfully Submitted,

Cheri LaBlanche

Plaintiff

12806 Southspring Dr. Houston, TX. 77047

713 733 9777

DETERMINATION ON PAYMENT OF UNEMPLOYMENT BENEFITS Date Mailed: June 22, 2012

CHERI LABLANCHE 12806 SOUTHSPRING DR HOUSTON TX 77047-2756 Haadkaalllaaalaallaadadhallaadhallaadhallaadhaladad

Social Security Number: XXX-XX-7019 Employer: DILLARD TEXAS EAST L

320417310007710101

Employer Account No.: 13-067564-6

All dates are shown in month-day-year order.

Decision

Issue: Separation From Work

Decision: We can pay you benefits, if you meet all other weekly requirements such as being

able, available and actively searching for work. Reason for Decision: Our investigation found your employer fired you because you were unable to perform your assigned work to their satisfaction. This is not considered misconduct connected with the work.

Law Reference: Section 207.044 of the Texas Unemployment Compensation Act.

Understanding your Decision

If you receive a decision that says, "we cannot pay you benefits," it means there is a problem with your claim EVEN IF you have received other decisions for the same period that say, "we can pay you benefits." If even one decision for the same period says we cannot pay, you will not receive an unemployment payment for that period. To resolve issues on decisions you receive:

1. Follow instructions on the notice(s); call the Tele-Center if you have questions;

2. If the instructions tell you to "Report," call the Tele-Center at once;

3. If you disagree with a decision, file an appeal. Appeal each decision separately by the appeal deadline. If you fax your appeal, keep a confirmation sheet.

Your employer can appeal TWC's decision to pay benefits. TWC will notify you of any appeal hearing. If you do not participate, you may lose your benefits and have to repay benefits you received.

Determination of Potential Chargeback for the Employer

- we-will charge your former employer's account if we pay you benefits.

If You Disagree with this Decision

If you disagree with this decision, you may appeal. Fax or have any appeal you may file postmarked on or before . TWC will use the date we receive the fax to determine whether your appeal is timely. If you file your appeal by fax, you should retain your fax confirmation as proof of transmission. Please include a copy of this notice with Appeals correspondence. The Appeal must be in writing to this address:

> Appeal Tribunal Texas Workforce Commission 101 E. 15th Street Austin, TX 78778-0002 FAX (512) 475-1135

Please see reverse for how to file an appeal.

BD300E 02/27/2007

Case No.: 16 Claim ID.: 05-27-12 Claim Date:

FOR HEARING IMPAIRED CLIENTS Relay Texas TDD No.: 1-800-735-2989

Voice No.: 1-800-735-2988

| • UNITED STATES | S DISTRICT C | OURT | |
|--|--|--------------------------------------|------------------------------|
| Southern Dis | or the strict of 1exas | (F | ilcher |
| Meri Latsanche Plaintiff NENE, FSMB, + ECFMG Defendant | | -12-4 | 185. |
| APPLICATION TO PROCEED IN DISTRICT C | COURT WITHOUT P | REPAYING FEES | OR COSTS |
| I am a plaintiff or petitioner in this case and declare that I am entitled to the relief requested. | e that I am unable to pa | ay the costs of these | proceedings and |
| In support of this application, I answer the following | ng questions under pen | alty of perjury: | |
| 1. If incarcerated. I am being held at: If employed there, or have an account in the institution. I has appropriate institutional officer showing all receipts, expensistitutional account in my name. I am also submitting a significance account the last six months. 2. If not incarcerated. If I am employed, my employed. | ditures, and balances d milar statement from a | luring the last six months | onths for any where I was |
| My gross pay or wages are: \$ \$\tag{\pm}\$, and my (specify pay period) | y take-home pay or wa | ges are: \$N | /A per |
| 3. Other Income. In the past 12 months, I have received | ived income from the f | following sources (ch | neck all that apply); |
| (a) Business, profession, or other self-employment (b) Rent payments, interest, or dividends (c) Pension, annuity, or life insurance payments (d) Disability, or worker's compensation payments (e) Gifts, or inheritances (f) Any other sources | ☐ Yes ☐ Yes ☐ Yes ☐ Yes ☐ Yes ※ Yes | M No M No M No M No D No | |
| If you answered "Yes" to any question above, description that you received and what you expect to reason. | eceive in the future. | | |
| Unemployment Tamtits - \$2 | Sho weekly us | HIMITELE YUM | Jew 1000 |

| AO 240 (Rev. 06/09) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form) |
|---|
| 4. Amount of money that I have in cash or in a checking or savings account: \$ 5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or hing of value that I own, including any item of value held in someone else's name (describe the property and its approximate value): 1. **Index.** **In |
| 6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses (describe and provide |
| the amount of the monthly expense): Hoveing - #1,200/WHA |
| 7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support: NAM |
| 8. Any debts or financial obligations (describe the amounts owed and to whom they are payable): Student loans (U.S. Sept. of Education) - #27,000. |
| Declaration: I declare under penalty of perjury that the above information is true and understand that a false tatement may result in a dismissal of my claims. |
| Date: 7/19/i2 Light Little Applicant's signature Light Little Cite Printed name |

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

CHERI LABLANCHE,

Plaintiff,

VS.

Plaintiff,

WISC. ACTION NO. 4:12-MC-485

MISC. ACTION NO. 4:12-MC-485

NATIONAL BOARD OF MEDICAL

EXAMINERS (NBME), et al,

Defendants.

ORDER

The application to proceed in forma pauperis is hereby Denied.

It is so Ordered.

SIGNED at Houston, Texas this 3rd day of August, 2012.

Kenneth M. Hoyt

United States District Judge